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8 John M. Humber, and Richard Piombo

9  
10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 DAVID SLACK, individually, and on behalf of  
13 all others similarly situated; JOHN JARBOE,  
individually, and on behalf of all others similarly  
14 situated; KEN BETTIS, individually, and on  
behalf of all others similarly situated; KENNY  
15 MENDOZA, individually, and on behalf of all  
others similarly situated, CLYDE ELI,  
16 individually, and on behalf of all others similarly  
situated,

17 Plaintiffs,

18 vs.

19 INTERNATIONAL UNION OF OPERATING  
20 ENGINEERS, a trade union, et al.,

21 Defendants.  
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Case No. 3:13-CV-05001-EMC

**STIPULATION AND ~~[PROPOSED]~~**  
**ORDER EXTENDING TIME FOR**  
**DEFENDANTS TO BRING MOTION FOR**  
**ATTORNEY'S FEES**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 This Stipulation is submitted pursuant to Local Rule 6-2 and is entered into by and between all  
3 Plaintiffs and Defendants represented by the undersigned counsel (collectively, the “Parties”) for the  
4 purpose of extending the time for Defendants’ to bring a motion for attorney’s fees.

- 5 1. The Court issued an Order on July 20, 2016 (Docket No. 331) **GRANTING**  
6 Defendants’ motion for summary judgment and **DENYING** Plaintiffs’ motion for  
7 summary adjudication as moot.
  - 8 2. Concurrently with this Stipulation, the Parties are filing with the Court a proposed  
9 Judgment pursuant to the July 20, 2016 Order.
  - 10 3. The Court is expected to enter a final judgment for purposes of Federal Rule of Civil  
11 Procedure 58(c).
  - 12 4. Pursuant to Local Rule 54-5, a motion for award of attorney’s fees must be served and  
13 filed within 14 days of entry of judgment by the District Court.
  - 14 5. Also pursuant to Local Rule 54-5, parties must meet and confer for the purposes of  
15 resolving all disputed issues relating to attorney’s fees before making a motion for  
16 award of attorney’s fees.
  - 17 6. To accommodate the Parties’ efforts to meet and confer on Defendants’ attorney’s fee  
18 motion and related matters, the Parties have agreed to a 7 day extension of the 14 day  
19 period and respectfully ask the Court to enter the below extension in connection with  
20 Defendants’ time to bring a motion for award of attorney’s fees.
  - 21 7. No prior time modification, by stipulation or Court order, has been provided in  
22 connection with an attorney’s fees motion in this action, and this Stipulation is not  
23 offered for any dilatory or improper purpose, but rather solely to effectively manage the  
24 scheduling of case events and to ensure the most efficient use of resources by the  
25 Court, the Parties, and their counsel as well as consider Parties’ scheduling  
26 commitments.
- 27  
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8. This Stipulation for the extension of time to bring a motion for award of attorney's fees is without prejudice to subsequent stipulations by the Parties or requests by Defendants to further extend the time for Defendant's motion for attorney's fees.

**STIPULATION**

Pursuant to Local Rules 6-2 and 54-5, subject to the Court's approval, Plaintiffs and the Stipulating Defendants, hereby stipulate that:

1. Defendants' time to file and serve a motion for award of attorney's fees is extended from 14 days to 21 days following the date Judgment is entered.

Respectfully submitted,

Dated: July 29, 2016

**COX CASTLE & NICHOLSON**

By: /s/ Monica Briseño

Dwayne McKenzie  
Monica Brisen  
Attorneys for Defendants F.G. Crosthwaite, Rich  
Piombo, Thomas Holsman, John Humber and Kevin  
Albanese

Dated: July 29, 2016

**LAW OFFICE OF KENNETH C. ABSALOM**

By: /s/ Kenneth C. Absalom

Kenneth C. Absalom  
George R. Nemiroff  
Attorneys for Defendants Russell E. Burns, Dan Reding,  
and Carl Goff

Dated: July 29, 2016

**BERNS WEISS LLP**

By: /s/ H. Scott Leviant

H. Scott Leviant  
Jeffrey K. Berns  
Lee A. Weiss  
Albert G. Lum

**LAW OFFICES OF J. MARK MOORE**

J. Mark Moore

Attorneys for Plaintiffs

**ECF CERTIFICATION**

Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that she has obtained concurrence regarding the filing of this document from the signatories to the document.

DATED: July 29, 2016

COX, CASTLE & NICHOLSON LLP

By: /s/ Monica Briseño

Dwayne McKenzie

Monica Briseno

Attorneys for Defendants F.G. Crosthwaite, Rich  
Piombo, Thomas Holsman, John Humber and Kevin  
Albanese

**ORDER**

Pursuant to the foregoing Stipulation of counsel and for good cause shown, IT IS HEREBY ORDERED that:

1. Defendants' time to file a motion for award of attorney's fees is extended from 14 days to 21 days following the date Judgment is entered.

**IT IS SO ORDERED.**

Dated: 8/1, 2016

